

PROB 12C
(793)

Report Date: December 2, 2010

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**DEC 03 2010**JAMES R. LARSEN
SPOKANE, WASHINGTON DEPUTY**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Mario Martinez Torres Case Number: 2:05CR02136-001
 Address of Offender: Wapato, WA 98951
 Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge
 Date of Original Sentence: 4/9/2007
 Original Offense: Possession of Firearm by Prohibited Person, 18 U.S.C. § 922(g)(1)
 Original Sentence: Prison - 41 Months; Type of Supervision: Supervised Release
 TSR - 36 Months
 Asst. U.S. Attorney: Gregory M. Shogren Date Supervision Commenced: 7/5/2009
 Defense Attorney: Ricardo Hernandez Date Supervision Expires: 7/4/2012

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/25/2010.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<u>Standard Condition #3:</u> The defendant shall answer truth fully all inquiries by the probation officer and follow the instructions of the probation officer.
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Supporting Evidence: Mr. Torres failed to report as directed by his probation officer on November 29, 2010.

On November 29, 2010, this officer spoke with Mr. Torres via telephone. The defendant advised he needed to appear at Yakima County District Court for the alleged fourth degree assault charge. Mr. Torres was directed to report to the probation office after his hearing to have his electronic monitoring bracelet replaced. The defendant indicated he understood, but failed to report. Prior to the end of the business day, November 29, 2010, this officer called Mr. Torres on his cellular and home telephones, but to no avail. Voice mail messages were left on both telephones, which directed the defendant to report to the probation office first thing Tuesday morning, November 30, 2010. Mr. Torres failed to report as directed.

5	<u>Home Detention Special Condition:</u> The defendant shall be restricted to his/her residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, Court appearances, Court-ordered obligations, or other activities as pre approved by the supervising officer.
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Supporting Evidence: Mr. Torres failed to return to his residence prior to his curfew on November 29, 2010, which is set at 5:30 p.m.

On November 29, 2010, at 7p.m., this officer called the defendant's residence and he did not answer the telephone. A message was left on his answering machine directing him to contact this officer. A second message stating the same was also left on Mr. Torres' cellular telephone. On November 30, 2010, this officer went to Mr. Torres' residence in an effort to locate him. This officer spoke with the defendant's brother and his wife who related Mr. Torres did not return home last night. They also reported they did not know of his current whereabouts. The defendant's brother opened Mr. Torres' bedroom door and this officer observed numerous coat hangers laying on the bed, as if the defendant packed some of his clothing. This officer left a business card with the defendant's brother, instructing the defendant to report to the probation office on December 1, 2010, by 9 a.m. Mr. Torres failed to report.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/02/2010

s/Josc Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

December 2, 2010

Date